

No.

CR - 08 00075 JW

HRL

FILED

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

SAN JOSE DIVISION

THE UNITED STATES OF AMERICA

vs.

THOMAS EDWARD GREEN, JR.

INDICTMENT

COUNTS ONE - EIGHT:

18 U.S.C. § 2252(a)(1) and 2252(a)(2) - Transmission and Receipt of Material Involving the Sexual Exploitation of Minors

COUNT NINE:

18 U.S.C. § 2252(a)(4)(B) - Possession of Material Involving the Sexual Exploitation of Minors

LG
GW
A true bill.



Foreperson

Filed in open court this 28th day of January

A.D. 2009


United States Magistrate Judge

Bail. \$ no process

FILED

2009 JAN 29 A 9:19

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
THOMAS EDWARD GREEN, JR.,
Defendant.

No. CR 08-00075 JW

VIOLATIONS:

18 U.S.C. § 2252(a)(1) & 2252(a)(2) –
Transmission and Receipt of Material
Involving the Sexual Exploitation of Minors;
18 U.S.C. § 2252(a)(4)(B) – Possession of
Material Involving the Sexual Exploitation of
Minors; 18 U.S.C. §§ 2253(a)(1) & (a)(3) –
Criminal Forfeiture

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 2252(a)(2) – Receipt of Material Involving the Sexual Exploitation
of Minors)

On or about January 6, 2006, in the Northern District of California, the defendant,

THOMAS EDWARD GREEN, JR.,

did knowingly and intentionally receive in interstate commerce, by means of a computer, certain
visual depictions, the producing of which involved the use of one and more minors engaging in
sexually explicit conduct, and which visual depictions were of such conduct, in violation of Title

SUPERSEDING INDICTMENT

1 18, United States Code, Section 2252(a)(2).

2 COUNT TWO: (18 U.S.C. § 2252(a)(1) – Transmission of Material Involving the Sexual
3 Exploitation of Minors)

4 On or about February 25, 2006, in the Northern District of California, the defendant,
5 THOMAS EDWARD GREEN, JR.,
6 did knowingly and intentionally transport and ship in interstate and foreign commerce, by means
7 of a computer, visual depictions the production of which involved the use of one and more
8 minors engaging in sexually explicit conduct, and which visual depictions were of such conduct,
9 in violation of Title 18, United States Code, Section 2252(a)(1).

10 COUNT THREE: (18 U.S.C. § 2252(a)(1) – Transmission of Material Involving the Sexual
11 Exploitation of Minors)

12 On or about May 18, 2006, in the Northern District of California, the defendant,
13 THOMAS EDWARD GREEN, JR.,
14
15 did knowingly and intentionally transport and ship in interstate and foreign commerce, by means
16 of a computer, visual depictions the production of which involved the use of one and more
17 minors engaging in sexually explicit conduct, and which visual depictions were of such conduct,
18 in violation of Title 18, United States Code, Section 2252(a)(1).

19 COUNT FOUR: (18 U.S.C. § 2252(a)(1) – Transmission of Material Involving the Sexual
20 Exploitation of Minors)

21 On or about May 28, 2006, in the Northern District of California, the defendant,
22 THOMAS EDWARD GREEN, JR.,
23
24 did knowingly and intentionally transport and ship in interstate and foreign commerce, by means
25 of a computer, visual depictions the production of which involved the use of one and more
26 minors engaging in sexually explicit conduct, and which visual depictions were of such conduct,
27 in violation of Title 18, United States Code, Section 2252(a)(1).

28 //

1 COUNT FIVE: (18 U.S.C. § 2252(a)(2) – Receipt of Material Involving the Sexual Exploitation
2 of Minors)

3 On or about June 18, 2006, in the Northern District of California, the defendant,
4 THOMAS EDWARD GREEN, JR.,
5 did knowingly and intentionally receive in interstate commerce, by means of computer, certain
6 visual depictions, the producing of which involved the use of one and more minors engaging in
7 sexually explicit conduct, and which visual depictions were of such conduct, in violation of Title
8 18, United States Code, Section 2252(a)(2).

9 COUNT SIX: (18 U.S.C. § 2252(a)(1) – Transmission of Material Involving the Sexual
10 Exploitation of Minors)

11 On or about June 18, 2006, in the Northern District of California, the defendant,
12 THOMAS EDWARD GREEN, JR.,
13 did knowingly and intentionally transport and ship in interstate and foreign commerce, by means
14 of a computer, visual depictions the production of which involved the use of one and more
15 minors engaging in sexually explicit conduct, and which visual depictions were of such conduct,
16 in violation of Title 18, United States Code, Section 2252(a)(1).

17 COUNT SEVEN: (18 U.S.C. § 2252(a)(2) – Receipt of Material Involving the Sexual
18 Exploitation of Minors)

19 On or about June 27, 2006, in the Northern District of California, the defendant,
20 THOMAS EDWARD GREEN, JR.,
21 did knowingly and intentionally receive in interstate commerce, by means of a computer, certain
22 visual depictions, the producing of which involved the use of one and more minors engaging in
23 sexually explicit conduct, and which visual depictions were of such conduct, in violation of Title
24 18, United States Code, Section 2252(a)(2).

25 //
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1 COUNT EIGHT : (18 U.S.C. § 2252(a)(1) – Transmission of Material Involving the Sexual
2 Exploitation of Minors)

3 On or about June 27, 2006, in the Northern District of California, the defendant,

4 THOMAS EDWARD GREEN, JR.,
5

6 did knowingly and intentionally transport and ship in interstate and foreign commerce, by means
7 of a computer, visual depictions the production of which involved the use of one and more
8 minors engaging in sexually explicit conduct, and which visual depictions were of such conduct,
9 in violation of Title 18, United States Code, Section 2252(a)(1).

10 COUNT NINE: (18 U.S.C. § 2252(a)(4)(B) – Possession of Material Involving the Sexual
11 Exploitation of Minors)

12 On or about November 16, 2006, in the Northern District of California, the defendant,

13 THOMAS EDWARD GREEN, JR.,
14

15 did knowingly and intentionally possess certain images, which visual depictions had been mailed
16 and transported in interstate and foreign commerce by any means, including by computer, the
17 production of which involved the use of one and more minors engaging in sexually explicit
18 conduct and which depictions were of such conduct, in violation of Title 18, United States Code,
19 Section 2252(a)(4)(B).

20
21 FORFEITURE ALLEGATION: (18 U.S.C. §§ 2253(a)(1) and (a)(3) - Criminal Forfeiture)

22 The allegations contained in Counts One through Nine of this Indictment are hereby
23 realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture
24 pursuant to Title 18, United States Code, Section 2253.

25 Upon conviction of the offenses alleged in any of Counts One through Nine above, the
26 defendant,

27 THOMAS EDWARD GREEN, JR.,

28 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2253(a)(1)

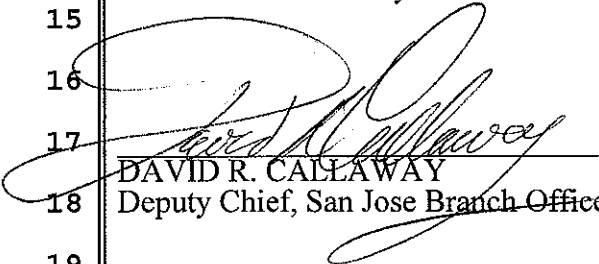
1 and (a)(3), all visual depictions described in Title 18, United States Code, Section 2252, and all
2 property, real and personal, used or intended to be used to commit or promote the commission of
3 the offense(s) of conviction, including but not limited to one desktop computer, further identified
4 as an E Machines T1455 computer, serial number QVC1910500781, and one USB drive, further
5 identified as a Lexar Jump Drive, model number JDSP256-04-500C, seized from the defendant's
6 residence on or about November 16, 2006.


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8 DATED: 01/28/09

A TRUE BILL.

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11 
FOREPERSON

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14 JOSEPH P. RUSSONIELLO
United States Attorney

15
16 
17 DAVID R. CALLAWAY
18 Deputy Chief, San Jose Branch Office

19
20
21 (Approved as to form: 
22 SAUSA Mandell

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 Counts 1-8: 18 U.S.C. § 2252(a)(1) and 2252(a)(2) -
 Transmission and Receipt of Material Involving the Sexual
 Exploitation of Minors

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 Count 9: U.S.C. § 2252(a)(4)(B) - Possession of Material
 Involving the Sexual Exploitation of Minors

PENALTY: Counts 1-8: 5 years minimum, 20 years maximum imprisonment,
 \$250,000 fine, 3 years supervised release, \$100 special assessment
 fee
 Count 9: 10 years maximum imprisonment, \$250,000 fine, 3 years
 supervised release, \$100 special assessment fee

Name of District Court and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

2009 JAN 29 10 08 AM 9

DEFENDANT - U.S. RICHARD W. WIEKING

CLERK

THOMAS EDWARD SCHEER
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

DISTRICT COURT NUMBER

08-00075 JW

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Wade Luders, FBI

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) SAUSA CHAD MANDELL

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior
 summons was served on above charges
2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: